S.B.CR. MISC. BAIL APPLICATION NO.3750/2006

Date : 30.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Vijay Purohit for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.
Mr. Chataniya Gehlot for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that allegation against the present applicant is under Sections 498A and 406 IPC. He submits that husband in this case has already been arrested and entire recovery of articles have been effected in this case, which appears from the order passed by the learned trial court dated 04.05.2006. In last, he prays that in the above circumstances, the applicant may be given benefit of anticipatory bail.

On the other hand, learned Public Prosecutor and learned counsel for the complainant submit that a bare reading of FIR suggests that the accused applicant who is 'Jethani' was responsible for making demand of dowry.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and the fact that the husband of the complainant has already been arrested and entire recovery of the articles has been effected, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Smt. Brijesh wife of Premadhar Gaur by I.O./S.H.O. in FIR No.41/2006 P.S. Sardarshahar, District Churu, she shall be released on bail provided she furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.